

REMARKS

Claims 36 – 47 are canceled.

The rejection of claims 48 – 82 under 35 USC 103(a) over Rauscher et al., US Patent 6,193,928 is respectfully traversed. Under 35 USC 103(c), subject matter which qualifies as prior art only under 35 USC 102(e) cannot be used as prior art under 35 USC 103 if the subject matter of the reference and the claimed invention were, at the time of invention, both owned or subject to an obligation to assign ownership to the same person. At the time of invention of the claimed subject matter, Rauscher et al. was owned or under obligation to be assigned to the assignee of this application. As a result, Rauscher et al. cannot form the basis for a rejection under 35 USC 103(a). Reconsideration and withdrawal of this rejection are respectfully requested.

In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038738/48167CO).

Respectfully submitted,

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